

DECLARATION AND POWER OF ATTORNEY

(Case No. 12548US02)

As the below-named inventors, we hereby declare that:
our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

**INSERT EARPHONE ASSEMBLY FOR AUDIOMETRIC
TESTING AND METHOD FOR MAKING SAME**

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

And we hereby appoint:

PTO REGISTRATION NUMBERS

George P. McAndrews	Reg. No. 22,760
John J. Held	Reg. No. 21,061
Timothy J. Malloy	Reg. No. 25,600
William M. Wesley	Reg. No. 26,521
Lawrence M. Jarvis	Reg. No. 27,341
Gregory J. Vogler	Reg. No. 31,313
Jean Dudek Kuelper	Reg. No. 30,171
Herbert D. Hart III	Reg. No. 30,063
Robert W. Fieseler	Reg. No. 31,826
D. David Hill	Reg. No. 35,543
Thomas J. Wimbiscus	Reg. No. 36,059
Steven J. Hampton	Reg. No. 33,707
Priscilla F. Gallagher	Reg. No. 32,223
Stephen F. Sherry	Reg. No. 30,590
Patrick J. Arnold Jr.	Reg. No. 37,769
George Wheeler	Reg. No. 28,766
Janet M. McNicholas	Reg. No. 32,918
Ronald E. Larson	Reg. No. 24,478
Christopher C. Winslade	Reg. No. 36,308
Edward A. Mas II	Reg. No. 37,179
Gregory C. Schodde	Reg. No. 36,668
Edward W. Remus	Reg. No. 25,703
Donald J. Pochopien	Reg. No. 32,167

Sharon A. Hwang	Reg. No. 39,717
David D. Headrick	Reg. No. 40,642
Dean D. Small	Reg. No. 34,730
Alejandro Menchaca	Reg. No. 34,389
Kirk A. Vander Leest	Reg. No. 34,036
Richard T. McCaulley, Jr.	Reg. No. 41,977
Anthony E. Dowell	Reg. No. 39,661
Peter J. McAndrews	Reg. No. 38,547
Jonathan R. Sick	Reg. No. 43,920
Eligio C. Pimentel	Reg. No. 42,076
James P. Murphy	Reg. No. 40,741
Dean A. Pelletier	Reg. No. 45,007
Michael B. Harlin	Reg. No. 43,658
John F. Nethery	Reg. No. 42,928
James Nuttall	Reg. No. 44,978
Joseph M. Barich	Reg. No. 42,291
Scott P. McBride	Reg. No. 42,853
Patricia J. McGrath	Reg. No. 44,919
Jennifer E. Lacroix	Reg. No. 46,852

the address and telephone number of each of whom is McAndrews, Held & Malloy, Ltd, 500 West Madison Street, 34th Floor, Chicago, Illinois 60661, 312-775-8000, as our attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Donald L. Wilson

Inventor's signature Donald L. Wilson Date 9/28/2000

Resident Address 1663 Castaway Court

Barrington, IL 60010

Citizenship USA

Post Office Address _____

Attorney Docket No. 12548US02

Full name of second inventor Steven J. Iseberg

Inventor's signature  Date 9-28-2000

Resident Address 4870 Rhiannon Court

Palatine, IL 60067

Citizenship USA

Post Office Address _____

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(F) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

- the owner of the small business concern identified below:
 an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern: ETYMOTIC RESEARCH, INC.

Address of Concern: 61 Martin Lane, Elk Grove Village, IL 60007

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: **INSERT EARPHONE ASSEMBLY FOR AUDIOMETRIC TESTING AND METHOD FOR MAKING SAME** by inventors **DONALD L. WILSON and STEVEN J. ISEBERG** described in

- the specification filed herewith
 Application Serial No.
 Patent No. , issued.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)

FULL NAME:

ADDRESS:

- Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Mead C. Killion

Title of Person Other Than Owner: President

Address of Person Signing: 61 Martin Lane, Elk Grove Village, IL 60007

Mead C. Killion

Signature

Date: Sept 28, 2000